



**MINISTRY OF PUBLIC SERVICE, GENDER,
SENIOR CITIZENS AFFAIRS & SPECIAL PROGRAMMES
STATE DEPARTMENT FOR SOCIAL PROTECTION, SENIOR CITIZENS
AFFAIRS & SPECIAL PROGRAMS**

**FOCUS AREA 1: CONTRIBUTION OF OLDER PERSONS TO SUSTAINABLE
DEVELOPMENT**

Substantive guiding questions:

National Legal and Policy Framework

1) What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:

- ***Constitution of Kenya (Article 57)*** obligates the State to take measures to promote the rights of older persons to fully participate in the affairs of society, pursue personal development, freedom of opinion and expression.
- ***Kenya National Commission on Human Rights Act, 2002*** mandates the Commission to annually report on the overall performance of the Government
- ***The National Gender and Equality Commission Act, 2011*** mandate the Commission to spearhead efforts to reduce gender inequalities and discrimination against vulnerable groups including older persons.
- ***National Health Insurance Fund Act (revised 2021)*** establishes a Universal Health Insurance Cover for all including older persons
- ***National Social Security Fund Act 2013*** establishes the provident fund for retirees and self-employed older persons.
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa which Kenya ratified in February 2022.
- Existing Draft Bills that seek to provide a legal framework for the promotion of the rights of older persons and their participation in society
- ***Kenya's Vision 2030*** the Country's development blue print aims at creating a globally competitive and prosperous nation with high quality of life for all including older persons.



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- *The National Policy on Older Persons and Ageing 2018* outlines measures to ensure the rights of Older Persons are protected, promoted and fulfilled
- *Kenya National Social Protection Policy (Revised 2021)* provides the framework for issuance of social protection benefits to vulnerable older persons

2) What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

- Ageism
- Poverty
- Diseases (non-communicable diseases) and Pandemics (Covid 19)
- Harmful socio cultural practices and elder abuse
- Neglect, isolation and loneliness
- Property disputes and disinheritance
- Intergenerational gap
- Unemployment
- Insecurity and fraud
- Systemic discrimination and exclusion
- Low literacy levels
- Accessibility to digital technologies
- Mental health and wellbeing
- Accessibility to social amenities and infrastructure
- Burden of care as caregivers
- Acquired disability
- Natural disasters, shocks and emergencies



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3) What data, statistics and research are available regarding older persons' contribution to sustainable development?

- There is limited data, statistics and researches available on issues affecting older persons. Since most of the existing data information sources have not been desegregated by age exclusive to older persons. However, we have Older Persons Groups, retirees and professionals engaged in income generating activities for self-reliance and improved livelihoods.

4) What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development

- Legislation and policy
- Social protection
- Psychosocial support
- Media engagement
- Advocacy, sensitization and awareness creation
- Training and capacity building
- Intergenerational solidarity

5) What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

- Article 22 of the Constitution grants individuals' the right to institute court proceedings when their rights and fundamental freedoms have been violated.
- The government through the Ministry responsible for Senior Citizens Affairs has put in place a complaints and grievance mechanism to address grievances related to the delivery of social protection programmes.
- National Gender and Equality Commission which promotes gender equality and non-discrimination for all persons in Kenya including older persons; has put in place a complaints management system that allows for both online and physical registration of complaints.

REPUBLIC OF KENYA



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- Commission on Administrative Justice (Ombudsman) where citizens including older persons can lodge complaints and seek redress.
- Kenya National Commission on Human Rights provides an avenue where older persons can access information on their rights and seek remedies for human rights violations.
- Non- Governmental Organizations whose mandate solely lies on advocating for the right of older persons in the Society.
- Civil Society Organizations including Older Persons Organizations provide Mediation and Alternative Dispute Resolution Mechanisms